

*Anthony Copeland*  
MAYOR



*City of East Chicago*  
4527 INDIANAPOLIS BLVD.  
EAST CHICAGO, INDIANA 46312  
219-391-8201 • 219-391-8397 FAX

March 9, 2012

Michael Berkoff  
EPA  
77 West Jackson Blvd.  
Chicago, Illinois 60604-3590

Subject: Exemption Support of the NRRB Review Process

Dear Mr. Berkoff:

As you are aware, I sent you a letter dated, February 15, 2012, declining your request to petition for a review exemption to the National Remedy Review Board (NRRB). At that time, we felt it was the proper course of action. However, based on EPA input and assurances from our March 8, 2012, meeting; you convinced us that it is in the best interest of the City of East Chicago to support the exemption request.

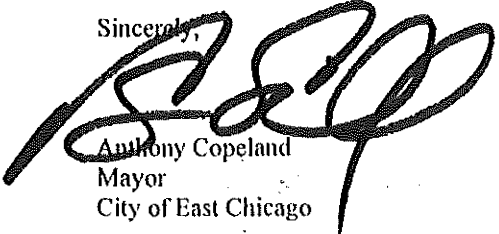
We support your recommendation of an exemption request from the NRRB review based on the following:

- EPA has assured the City that there are no other viable remediation technologies available that will effectively remediate the contaminated soil other than excavate, remove, and replace with clean fill, which is the current EPA proposed clean-up strategy.
- Per your explanation, the NRRB review process can take several months to complete; therefore, forgoing the review process will expedite the remediation of the site. The removal of the environmental and health hazard as soon as possible is very important to the City.
- The exemption will not adversely impact the City's ability to provide future input and coordination efforts with the EPA on this project.
- You have assured the City, regardless of an exemption, that EPA will evaluate and pursue viable cost effective remediation techniques and bidding strategies that may include demolition of dilapidated and abandoned homes.

The City supports EPA's goal to remediate the site quickly, safely, and cost effectively, with the added goal that the final remediated site will meet the City's objective to optimize the land use for the City's future. We look forward to working with the EPA in a spirit of cooperation to align our goals as best as possible.

Thank you for meeting with me and my team.

Sincerely,

  
Anthony Copeland  
Mayor  
City of East Chicago



*City of East Chicago*

OFFICE OF THE MAYOR  
4527 INDIANAPOLIS BLVD.  
EAST CHICAGO, INDIANA 46312

®  840-L



Mr. Michael Berkoff  
EPA  
77 West Jackson Blvd.  
Chicago, Illinois 60604-3590

60604\$3608 C005





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

September 18, 2012

REPLY TO THE ATTENTION OF:

Anthony DeBonis, Jr.  
Smith & DeBonis, LLC  
214 Main Street  
Hobart, IN 46342

Re: Request for Extension of Time to Submit Comments on the Proposed Plan for OU1 at the  
USS Lead Superfund Site

Dear Mr. DeBonis:

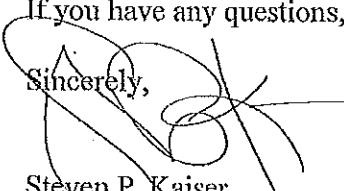
On September 17, 2012, you sent me an email in your capacity as Special Counsel to the City of East Chicago, Indiana (the City) and Counsel to the East Chicago Sanitary District (the Sanitary District). In the email, you requested that the U.S. Environmental Protection Agency (EPA) extend until September 25, 2012, the deadline for the submission of public comments on the proposed plan for Operable Unit 1 at the USS Lead Superfund Site.

The public comment period was originally scheduled to close on August 11, 2012. In response to timely requests by the City and Sanitary District, and by ARCO, EPA extended the deadline for public comments for all persons until September 12, 2012.

Five days after the close of the public comment period, EPA received your request for another extension of time to submit comments on the proposed plan. In light of the previous extension of time and the untimely nature of your current request, EPA is denying the request. EPA will not consider any comments submitted after the close of the public comment period before issuing a Record of Decision. Please note that EPA is considering and will address all verbal comments made by representatives of the City during the public meeting held on July 25, 2012. EPA may consider comments received after the close of the public comment period as appropriate during the design phase of the remedial process.

If you have any questions, please do not hesitate to call me. I may be reached at (312) 353-3804.

Sincerely,

  
Steven P. Kaiser  
Associate Regional Counsel

Cc: Michael Berkoff (Remedial Project Manager)





Extension of Time to File Comments--City of East Chicago  
Tony DeBonis

to:

Steven Kaiser

09/17/2012 11:48 AM

Hide Details

From: Tony DeBonis <tony@sd1law.pro>

To: Steven Kaiser/R5/USEPA/US@EPA,

History: This message has been forwarded.

1 Attachment



image001.png

Dear Mr. Kaiser:

As you will recall, the undersigned is Special Counsel to the City of East Chicago and Counsel to the East Chicago Sanitary District. You previously granted a thirty-day extension of time through September 10, 2012 to file comments on behalf of my clients on the proposed plan for Operable Unit 1 of the U.S.S. Lead Refinery Superfund Site in our city. We have not been able to complete the preparation of these comments within the time allowed, but expect to have them completed and delivered to you by September 25, 2012. Accordingly, I ask for an additional 15 day extension to and including that date.

Thank you for your attention to this matter. I would appreciate having your communication as to whether this request is granted at your earliest convenience. We look forward to submitting the comments by the 25<sup>th</sup>.

ANTHONY DeBONIS, JR.



Smith & DeBonis, Jr.  
ATTORNEYS AT LAW

Anthony DeBonis Jr.  
214 Main Street  
Hobart, Indiana 46342  
Tel: 219-940-9963  
Fax: 219-940-9965  
[Tony@sd1law.pro](mailto:Tony@sd1law.pro)  
[www.smithanddebonis.pro](http://www.smithanddebonis.pro)

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Fw: URGENT QUESTION: Extension of Time to File Comments--City of East Chicago - USS Lead proposed plan

REBECCA FREY to: Steven Kaiser  
Cc: Michael Berkoff

09/18/2012 11:55 AM

From: REBECCA FREY/R5/USEPA/US  
To: Steven Kaiser/R5/USEPA/US@EPA,  
Cc: Michael Berkoff/R5/USEPA/US@EPA

Steve,

The NCP says that requests for extensions must be "timely." The City's request in this case was not timely, as it was made 5 days after the close of the already-extended comment period. For this reason, we are not going to extend the comment period. (I also consulted with Joan and her response is below.)

- Becky

----- Forwarded by REBECCA FREY/R5/USEPA/US on 09/18/2012 11:49 AM -----

From: Joan Tanaka/R5/USEPA/US  
To: REBECCA FREY/R5/USEPA/US@EPA,  
Date: 09/18/2012 11:34 AM  
Subject: Re: URGENT QUESTION: Extension of Time to File Comments--City of East Chicago - USS Lead proposed plan

Agreed to not extend. They have had 60 days and request was not timely.

Sent from BlackBerry

REBECCA FREY	Joan, The City of East Chicago has requested...	09/18/2012 10:37 AM CDT
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From: REBECCA FREY  
To: Joan Tanaka  
Cc:  
Date: 09/18/2012 10:37 AM CDT  
Subject: URGENT QUESTION: Extension of Time to File Comments--City of East Chicago - USS Lead proposed plan

Joan,

The City of East Chicago has requested another extension to the public comment period for the USS Lead proposed plan (see message below), but this time the request was made 5 days after the end of the comment period. I recommend that we not extend the comment period based on the fact that the request was not timely, but I wanted to get your thoughts before we reply to the city. Could you please send me a quick reply? Some brief background info is below.

Thanks,

- Becky

#### Background

- Initial comment period was scheduled to end August 11.
- City and one of the PRPs requested extension approximately one day before end of comment period.
- EPA extended comment period an additional 30 days, to September 12.
- City's email request for another extension (below) is dated September 17, five days after end of comment period.



----- Forwarded by REBECCA FREY/R5/USEPA/US on 09/18/2012 10:25 AM -----

From: Steven Kaiser/R5/USEPA/US  
To: Michael Berkoff/R5/USEPA/US@EPA, REBECCA FREY/R5/USEPA/US@EPA,  
Cc: Marcy Toney/R5/USEPA/US@EPA  
Date: 09/17/2012 10:23 PM  
Subject: Fw: Extension of Time to File Comments--City of East Chicago - FOIA Exempt

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Do you think we can extend the comment period and finalize a 4th Quarter ROD?

Sincerely,

Steven P. Kaiser  
Office of Regional Counsel  
United States Environmental Protection Agency  
77 West Jackson Boulevard  
Chicago, Illinois 60604  
(312) 353 - 3804

-----Forwarded by Steven Kaiser/R5/USEPA/US on 09/17/2012 10:21PM -----

To: Steven Kaiser/R5/USEPA/US@EPA  
From: Tony DeBonis <tony@sd1law.pro>  
Date: 09/17/2012 11:48AM  
Subject: Extension of Time to File Comments--City of East Chicago

Dear Mr. Kaiser:

As you will recall, the undersigned is Special Counsel to the City of East Chicago and Counsel to the East Chicago Sanitary District. You previously granted a thirty-day extension of time through September 10, 2012 to file comments on behalf of my clients on the proposed plan for Operable Unit 1 of the U.S.S. Lead Refinery Superfund Site in our city. We have not been able to complete the preparation of these comments within the time allowed, but expect to have them completed and delivered to you by September 25, 2012. Accordingly, I ask for an additional 15 day extension to and including that date.

Thank you for your attention to this matter. I would appreciate having your communication as to whether this request is granted at your earliest convenience. We look forward to submitting the comments by the 25<sup>th</sup>.

ANTHONY DeBONIS, JR.

[IMAGE]

Anthony DeBonis Jr.  
214 Main Street  
Hobart, Indiana 46342  
Tel: 219-940-9963  
Fax: 219-940-9965  
[Tony@sd1law.pro](mailto:Tony@sd1law.pro)  
[www.smithanddebonis.pro](http://www.smithanddebonis.pro)

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*Anthony Copeland*  
MAYOR



*City of East Chicago*  
4527 INDIANAPOLIS BLVD.  
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219-391-8200 • 219-391-8397 FAX

June 16, 2014

Steven P. Kaiser  
Office of Regional Counsel  
United States Environmental Protection Agency  
77 West Jackson Boulevard  
Chicago, Illinois 60604

RE: Proposed Demolitions within USS Lead Superfund Site

Dear Attorney Kaiser:

This letter is in response to concerns regarding potential environmental liability which may arise should the City of East Chicago proceed with its plans to demolish properties within the USS Lead Superfund site. The buildings which have been targeted for demolition in the short term are severely dilapidated and pose an immediate danger to the life and health of residents. These dangers include the imminent risk of partial or total building collapse, in addition to fire dangers and other risks posed by buildings that literally threaten to fall down at any moment. The City has been delayed in its plans to address such dangers and blight in this area by the environmental problems in the Calumet neighborhood, but feels that the immediate risk to life and health is so great that we cannot further delay demolition plans. As a result, we have identified revenue sources and advertised for contractors to bid for this demolition work, which is to be performed strictly according to procedures approved by the EPA's Superfund division. If we fail to proceed in this construction season, valuable revenue sources may be lost.

The risk of imminent danger of injury or death to residents or passersby posed by delaying the demolition of these buildings in the short term must be balanced with the potential risk of environmental liability should the City proceed as planned with our demolition plans. By this letter, I am requesting that you inform the City of East Chicago, in writing, how to balance these risks, and whether the risk of imminent injury is outweighed by the potential risk of Arco, DuPont, or other polluters of this superfund site coming after the City as an operator of the site. We ask that your office assist the City with drafting a plan which balances these risks. In the alternative, will the EPA remove the imminent danger posed by these dilapidated buildings under its powers in the short term, and then ask for reimbursement of its demolition costs?

We appreciate your concern, as well as the involvement of Remedial Project Manager Michael Berkoff and his team as we work toward solutions in this area. Thank you in advance for your written response to the question of how to balance the risk of demolition vs. environmental liability in this area, as well as how and when to proceed with the proposed demolitions within the USS Lead Superfund site.

Sincerely,

Anthony Copeland  
Mayor





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

**JUN 23 2014**

The Honorable Anthony Copeland  
City of East Chicago  
4527 Indianapolis Boulevard  
East Chicago, Indiana 46312

REPLY TO THE ATTENTION OF:

Re: Proposed Demolitions within the U.S. Smelter and Lead Refining, Inc. Superfund Site

Dear Mayor Copeland:

I am writing in response to your letter dated June 16, 2014, concerning proposed demolitions within the boundaries of the U.S. Smelter and Lead Refining, Inc. Superfund Site (Site). My response is based upon the facts presently known to the United States Environmental Protection Agency (EPA) and is provided solely for informational purposes.

**I. STATUS OF THE IDENTIFIED PROPERTY AND EPA'S ACTIVITIES**

As you and your staff are aware, what you refer to in your letter as the Calumet neighborhood is located within an area EPA refers to as Zone 2 of Operable Unit 1 of the Site. The Site was placed on the National Priorities List (NPL) in 2008. Following placement of the Site on the NPL, EPA conducted a Remedial Investigation (RI) and Feasibility Study (FS). The purpose of the RI was to identify contaminants of concern and the extent of the contamination. The RI concluded that lead and arsenic in concentrations that pose a risk to human health and the environment are located in some but not all of the properties located within Operable Unit 1 of the Site. Operable Unit 1 is bounded on the west by the Indiana Harbor Canal; on the north by Chicago Avenue; and the east by Parrish Avenue; and, on the south by 149<sup>th</sup> Place and 151<sup>st</sup> Street. The purpose of the FS was to identify cost-effective ways in which to address the contamination. In 2012, EPA published a proposed plan for addressing the lead and arsenic contamination. On November 30, 2012, EPA issued a Record of Decision in which it announced its choice of remedy. The chosen remedy calls for the excavation and off-site disposal of soils that contain lead and arsenic above the identified actions levels to a maximum depth of twenty-four inches below ground surface.

Since September 2013, EPA has been negotiating a possible consent agreement with two Potentially-Responsible Parties (PRPs) regarding clean-up of the Site. These negotiations are proceeding at this time. EPA will consider alternatives to a consent agreement if it determines that further negotiations will not prove fruitful.

**II. STATUS OF CONTACTS WITH THE CITY OF EAST CHICAGO**

Throughout the process described above, EPA has met with representatives of the City of East Chicago. The purpose of the meetings has been to make certain the City understands what work

EPA is performing and is planning to perform, and the timeframe for completing the work. The meetings have also allowed the City to share with EPA its concerns about the work and its broader goals for the Calumet neighborhood.

On June 9, 2014, Winna Guzman, the Building Commissioner for the City, sent an email to Michael Berkoff, EPA Remedial Project Manager. Ms. Guzman asked Mr. Berkoff to review information pertaining to specifications that the City intended to use to solicit bids for demolition work, some of which may be performed within the Site. Mr. Berkoff advised me of Ms. Guzman's request. I communicated my concerns to Mr. Berkoff that if the City demolished buildings within the Site, these actions might give rise to potential liability under the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA or Superfund). Shortly thereafter, Mr. Berkoff shared these concerns with Ms. Guzman. I also voiced my concerns to City Attorney Carla Morgan on June 12, 2014.<sup>1</sup>

As your staff no doubt advised you, Mr. Berkoff and I did not tell the City not to demolish buildings. Instead, we merely sought to alert the City to the existence of liability risks associated with demolishing buildings and to suggest that if the City elected to proceed with demolition, it would be well advised to do so cautiously, with a full appreciation of the risks, and with a well-considered plan for managing the risks.

Your letter of June 16, 2014, seeks EPA's guidance on "how to balance these risks, and whether the risk of imminent injury is outweighed by the potential risk of [PRPs] coming after the City as an operator of the site." It also asks EPA to "assist the City with drafting a plan which balances these risks."

### **III. EPA'S ROLE AND LIMITATIONS**

EPA has only those authorities expressly granted to it by statute or regulation. These authorities allow EPA to do important work like the identification and removal of lead and arsenic contaminated soils from within the Site. EPA is not authorized, however, to provide advice to the City on how to balance the risks of proceeding with demolition and potentially becoming a liable party at the Site against the risks of postponing demolition. The City alone must weigh and balance the risks. In grappling with this decision, however, the City might find it useful to retain experienced environmental counsel who can help the City understand and manage the liability risks and develop a sound risk management strategy. I cannot fill that role for the City.

If the City elects to proceed with demolition and provides EPA with its plan for minimizing the risks associated with demolition, EPA will work with the City to implement quickly the City's

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<sup>1</sup> As Ms. Morgan is aware, potential liability includes an action in contribution by PRPs at the Site as well as potential liability to the United States. *See, e.g., Policy Towards Owners of Residential Property at Superfund Sites* (July 3, 1991) (EPA generally will not require owners of residential property (like the City) to perform a response action or pay response costs if the owner's activities are consistent with the Policy but the Policy generally does not apply "to an owner of residential property who has undertaken activities leading to a release or threat of release of hazardous substances, resulting in the taking of a response action at the site").



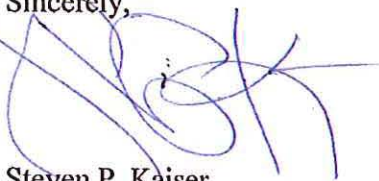
preferred plan. Several options for reducing risk of liability to the City come to mind and others may occur to the City. Some municipalities have managed the risk of liability by simply exercising extreme care during demolition. Extreme care here may include a decision to only remove those portions of the structure that are above ground until EPA has completed Site work or advised the City that the property does not contain lead or arsenic concentrations in soil above the action levels. Alternatively, the City might also consider sampling properties in advance of demolition to determine whether the soils at these properties pose a risk to human health or the environment. Other municipalities have proceeded with demolition after receiving what is sometimes referred to as an "EPA comfort letter." To be clear, a "comfort letter" is not a "no action assurance" letter, a distinction that may be lost on all but the most experienced practitioners of environmental law. Finally, EPA is willing to negotiate an agreement with the City that might be characterized as a "Prospective Operator Agreement or POA." A POA is akin to a "Prospective Purchaser Agreement," but applies to prospective operators rather than purchasers. Negotiation of a POA may delay demolition but might afford the City the greatest level of protection. The options that I have set forth above are not meant as an exhaustive or exclusive list of options. EPA is open to considering other options that might be suggested by the City.

#### IV. CONCLUSION

EPA looks forward to continuing discussions with the City about the important issues raised in your letter of June 16, 2014, subject to our inability to provide the City with what is essentially legal advice.

If you or your staff have any questions or would like to schedule a meeting, please do not hesitate to contact me. I may be reached at (312) 353-3804 or [kaiser.steven@epa.gov](mailto:kaiser.steven@epa.gov).

Sincerely,

A handwritten signature in blue ink, appearing to read 'SK', with a large circular flourish around the first part of the signature.

Steven P. Kaiser  
Associate Regional Counsel

cc: Michael Berkoff (EPA)  
Carla Morgan (City of East Chicago)





*Anthony Copeland*  
MAYOR



*City of East Chicago*  
4527 INDIANAPOLIS BLVD.  
EAST CHICAGO, INDIANA 46312  
219-391-8200 • 219-391-8397 FAX

June 16, 2016

Robert A. Kaplan  
EPA Region 5 Acting Regional Administrator  
Ralph Metcalfe Federal Building  
77 West Jackson Blvd.  
Chicago, IL 60604-3590

RE: USS Lead Superfund / West Calumet Housing Complex

Dear Regional Administrator, Kaplan:

In light of the alarming data the City of East Chicago and the East Chicago Housing Authority recently received from your office regarding the extraordinarily high levels of lead in soils at the West Calumet Housing Complex, which is located within Operable Unit 1 of the USS Lead Superfund Site, I feel that it is my duty to take immediate action to protect the public safety, health and welfare of the residents I serve. In this regard, I am requesting that the United States Environmental Protection Agency (EPA) do the following: (1) immediate relocation of all residents currently living in the West Calumet Housing Complex into safe living conditions free of lead exposure risks; and (2) implementation of emergency soil removal actions to immediately address, contain and remove soils now known to contain hazardous levels of lead in the shallow surfaces across the approximate 40-acre housing complex. We are an environmental justice community whose interests have been underserved for years and we are in dire need of EPA's swift and comprehensive response to this immediate and substantial threat to our resident's health and safety. We propose to meet with you and Congressman Peter Visclosky in the City of East Chicago as soon as possible to discuss this matter. This matter is of such grave importance that I will clear my schedule in order to meet with you on the first possible date you are available.

The West Calumet Housing Complex is a HUD-funded public housing complex, which was built on the footprint of the old Anaconda Lead Products facility. It currently houses over 1,000 residents, including many young children in its 346 occupied units. On May 24, 2016, the EPA first shared data with the City of East Chicago and the East Chicago Housing Authority regarding the results of sampling the EPA performed to test the soil for lead and arsenic in this neighborhood, which is considered to be part of Zone 1 of OU1 of the USS Lead Superfund site. Before May 24, 2016, the data had not even been shared with the East Chicago Housing Authority, despite their request, and despite the fact that they are the property owner of record. This data revealed that hundreds of the samples exceeded the removal action level of 1200 ppm of lead, and approximately 50 samples exceeded the 1200 ppm action level in the top 0-6 inches of soil. The data also revealed lead levels in the soil of up to 91,100 ppm, which is over eighteen times (over 1800%) higher than the amount of lead contained in lead paint. HUD's standard for lead paint is 5,000 ppm, and HUD's regulations set the tolerance for lead in its residential developments at zero. HUD's standard for environmental remediation is "dig to clean". The EPA's current remedy for the West Calumet Complex falls far short of this standard.

Previously, in 2008 and again in 2011, EPA conducted Time Critical Removal Actions at numerous properties within OU1 to address soils containing lead above the regulatory removal action level of 1,200 ppm in the top six inches of soil. Many of the lots involved were located within Zone 1, the West

Calumet Housing Complex. The EPA data provided to the City on May 24, 2016 proves that these prior removal actions were incomplete and ineffective at protecting residents and the public from continuing lead exposures.

The EPA's September 12, 2011 Action Memo states that with lead levels as high as 5,993 ppm, "Adults and children may be exposed to high levels of lead from normal foot traffic, yard work, and play." As a result, as described above, EPA took emergency action to remediate such parcels. Yet, despite finding alarmingly high levels of lead after performing very limited sampling, the EPA did not immediately expand sampling to other parcels in the neighborhood. It continued to employ a sampling model which apparently erroneously presumed that the source of lead was airborne, despite having knowledge since at least 1985 that the West Calumet Housing Authority Complex sat on the footprint of the old Anaconda facility. Despite knowledge of these facts, the EPA apparently took until 2015 or 2016 to complete sampling of other parcels in this residential area; took until May 24, 2016 to reveal the results to the City; and despite finding lead levels up to seventy-five times higher than the action level of 1200 ppm, the EPA continues to refuse to relocate residents and commence emergency removal actions that knowledge of these facts demand.

The 2012 ROD and First Revised Consent Decree, which is set to be lodged and entered this summer, proposes to clean up the lawn areas to the EPA's residential standard of 400 ppm merely to a depth of 24 inches, allowing contaminants to remain below this level; a visual barrier, in the form of an orange plastic perforated barrier will be left; to our understanding, not remove lead contaminated soils around trees; and institutional controls will be put in place. The proposed clean up will leave lead and arsenic below 24 inches, will not clean up around trees or beneath the concrete surfaces including the sidewalks, streets, or under the foundations of these homes, and will not immediately remediate the groundwater despite the proximity to the shipping canal, the high water table and likely presence of groundwater at shallow depths in the affected area. The ROD also does not account for the fact that the housing in the West Calumet Complex is at the end of its useful life; the utilities are collapsing and require the City to perform dig out repairs below the 24 inch barrier many times per year.

Utility maintenance work in this area done prior to the City being made aware of the toxic levels of lead in the soil revealed the presence of construction debris in the ground which would tend to indicate that the Anaconda Lead Products facility may have simply been bulldozed, and that the West Calumet Housing Complex was then built on top of the demolition debris. The infrastructure in this area is over 45 years old such that water and sewer pipes collapse regularly requiring repair and replacement. These repairs require the City's Utilities Operations department and other providers to dig 42 inches and deeper into soil that we now know is hazardous and unsafe. These repairs also require intensive de-watering. The presence of demolition debris raises the additional concern that other contaminants such as cleaning solvents may also be present beneath and around these houses and may pose an additional threat to residents if volatilizing into residences.

Consistent with comments made to EPA in public hearings preceding EPA remedy selection, the City of East Chicago, the East Chicago Health Department and the East Chicago Housing Authority continue to believe that the EPA's selected remedy does not adequately protect human health. While our concern is for all the residents of the USS Lead Superfund site, we have particular concern for those who live where we now know the contamination is by far worse, which is on the footprint of the Anaconda facility, in the West Calumet Housing Complex. We feel that these families are placed at risk every day that they are

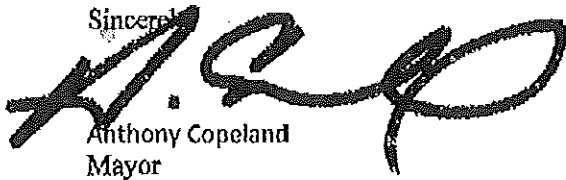
left in place. EPA's current plan to remediate while residents continue to live in West Calumet ignores the fact that testing has already revealed that a high number of children in this neighborhood demonstrate excessive blood levels of lead, above 10 micrograms per deciliter ( $\mu\text{g}/\text{dL}$ ). While CDC's standard for children has fallen to 5  $\mu\text{g}/\text{dL}$ , the coverage of Flint lead crisis demonstrates that the medical community believes that zero  $\mu\text{g}/\text{dL}$  is the only safe level for children.

The effect of the EPA's proposed Remedial Action will be that the lead which remains under concrete surfaces and around trees, which is likely leachable, will immediately begin or continue to leach, transported by groundwater through the perforated visual barrier and contaminate the "clean" fill dirt. We fear that the blood lead levels of residents will continue to be excessive, and may be aggravated. The City will also be left with drastically increased costs of maintaining utilities in this older neighborhood and maintenance costs were already high as a result. The cost of just the environmental compliance involved in maintaining the utilities in the presence of lead and arsenic is estimated to be in excess of \$12.3 million. Additionally, the proposed cleanup violates HUD guidelines which require that when lead is discovered, it be remediated to zero in developments it funds. More importantly, we feel that it is impossible for the EPA to provide assurances that human health will not be harmed as it performs this cleanup with residents remaining in place. It is unconscionable that the EPA intends to allow American families and children to continue to live and play in yards where the concentration of lead in the dirt far exceeds the concentration of lead in lead paint, while it digs up such soil throughout the neighborhood, with insufficient protection provided to these residents.

The bottom line is that all residents of the West Calumet Complex must be immediately relocated to protect their health and safety. EPA needs to develop a plan and locate funds, with the assistance of HUD or otherwise, to do so. Additionally, EPA must immediately commence emergency removal activities of the shallow hazardous waste which residents and children are exposed to and likely ingesting every day. As indicated above, the City and the East Chicago Housing Authority propose to meet with you and Congressman Visclosky so that EPA can address our demands.

I am extremely concerned that the environmental threats to the health and safety of the families and children who continue to live in this hazardous and dangerous environment will not be resolved by the EPA's current approach. Absent an immediate plan on the part of EPA to protect our residents and community, I will have no choice but to immediately notify the residents of the danger and to relocate the residents for their own protection. In such case, I intend to communicate to residents through any and all means, including media sources, and use all means at my disposal to move these residents to safe housing and this will be done as quickly as it is in my power to do.

Sincerely,

A large, stylized handwritten signature in black ink, appearing to read 'A. Copeland'.

Anthony Copeland  
Mayor

Cc: Hon. Rep Peter Visclosky, Hon. Sen. Joe Donnelly



R5-16-000-9291



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGIONAL ADMINISTRATOR  
REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

JUN 29 2016

The Honorable Anthony Copeland  
4527 Indianapolis Boulevard  
East Chicago, Indiana 46312

Dear Mayor Copeland:

Thank you for your June 16, 2016 letter regarding lead levels in soils at the West Calumet Housing Complex in East Chicago, Indiana. As I indicated in my phone call with city representatives last week, I take the city's concerns very seriously and look forward to continuing to work on these issues together at our upcoming meeting on June 30, 2016.

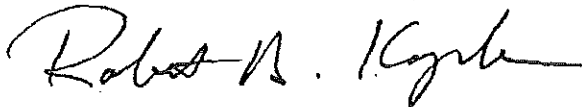
EPA is going to take immediate steps to address all areas of exposed soil in the Housing Complex to reduce possible exposure to contaminated soils until the soils can be excavated and new soil put in place. We hope you can join us in walking through the Complex this week to develop a mutual understanding of the scope and type of work that will be done.

EPA is also ready to distribute educational brochures to the residents of the Housing Complex and to conduct door-to-door outreach efforts to educate residents on ways to reduce their exposure to lead. We provided draft brochures to the city when we met on June 22 but, at the city's request, EPA is postponing distributing them pending receipt of the city's comments.

The sampling data that the U.S. Environmental Protection Agency provided to City representatives in May was the result of detailed field investigations that EPA undertook as part of designing the work that will be done to clean up the yards in the Housing Complex. As you know, after public notice and comment, EPA selected the remedy for cleaning up the Housing Complex yards (as well as other yards in East Chicago) in November 2012. Then, in October 2014, EPA entered into a consent decree with responsible parties to get the work done through a "remedial design/remedial action" process. The sampling data generated by this process produced a much more detailed picture of the concentrations and distribution of lead in soils at the Housing Complex than EPA previously had.

Again, thank you for your letter. If you have further questions, please contact me or your staff may contact Eileen Deamer or Ronna Beckmann, the Region 5 Congressional Liaisons, at (312) 886-3000.

Sincerely,

A handwritten signature in dark ink, appearing to read "Robert A. Kaplan". The signature is fluid and cursive, with the first name "Robert" being more prominent than the last name "Kaplan".

Robert A. Kaplan  
Acting Regional Administrator

cc: United States Congressman Peter Visclosky  
United States Senator Joe Donnelly



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

REPLY TO THE ATTENTION OF:

July 12, 2016

Mrs. Erica Glenn  
Principal  
Carrie Gosch Elementary School  
455 E 148th St.  
East Chicago, IN 46312

**Subject: U.S. Smelter and Lead Refinery Inc., Site, East Chicago, IN  
Soil Sample Results  
455 E 148th St.**

Dear Mrs. Erica Glenn:

As you may recall, soil from your property was tested for lead and arsenic in Spring 2015. This letter reports the lead and arsenic results for the soil samples collected from your property. The sampling results show that lead and/or arsenic concentrations in soils at a portion of your property exceed health-based standards, and therefore your property qualifies for a cleanup of those soils which pose a risk. The cleanup of those soils will be done at **NO COST** to you.

Soil testing results for your property are shown in the table below. Samples were taken from 0 to 6 inches, 6 to 12 inches, 12 to 18 inches, 18 to 24 inches, and in some cases 24 to 30 inches. Cleanup levels are 400 milligrams per kilogram (mg/kg) for lead and 26 mg/kg for arsenic. The results for your property show that levels of lead and/or arsenic in surface soils are below cleanup levels and do not pose a risk to students, but concentrations of lead in some soils at depth are above cleanup levels at your property and require cleanup. EPA does not expect students to readily have contact with those contaminated soils at depth.

Depth	QA – Lead (mg/kg)	QA – Arsenic (mg/kg)	QB – Lead (mg/kg)	QB – Arsenic (mg/kg)
0-6 inches	75	8	48	ND
6-12 inches	73	11	48	ND
12-18 inches	58	ND	91	ND
18-24 inches	44	ND	80	ND
24-30 inches	56	ND	449	24

Mrs. Erica Glenn

Page 2

Depth	QC – Lead (mg/kg)	QC – Arsenic (mg/kg)	QD – Lead (mg/kg)	QD – Arsenic (mg/kg)
0-6 inches	350	11	72	ND
6-12 inches	230	8	85	ND
12-18 inches	215	ND	39	ND
18-24 inches	810	11	Refusal (NS)	Refusal (NS)
24-30 inches	220	ND	Refusal (NS)	Refusal (NS)

Depth	Front – Lead (mg/kg)	Front – Arsenic (mg/kg)
0-6 inches	74	ND
6-12 inches	47	ND
12-18 inches	Native Sand (NS)	Native Sand (NS)
18-24 inches	Native Sand (NS)	Native Sand (NS)
24-30 inches	Native Sand (NS)	Native Sand (NS)

Depth	West Field NW – Lead (mg/kg)	West Field NW – Arsenic (mg/kg)	West Field NE – Lead (mg/kg)	West Field NE – Arsenic (mg/kg)
0-6 inches	88	5	120	5
6-12 inches	69	4	162	7
12-18 inches	46	3	159	6
18-24 inches	28	3	132	5
24-30 inches	Native Sand (NS)	Native Sand (NS)	Native Sand (NS)	Native Sand (NS)

Depth	West Field SE – Lead (mg/kg)	West Field SE – Arsenic (mg/kg)	West Field SW – Lead (mg/kg)	West Field SW – Arsenic (mg/kg)
0-6 inches	106	7	145	6
6-12 inches	107	10	98	6
12-18 inches	80	11	131	9
18-24 inches	68	7	46	8
24-30 inches	Native Sand (NS)	Native Sand (NS)	Native Sand (NS)	Native Sand (NS)

Notes: ND = not detected. NS = No sample collected because of native sand or sampling refusal.

Mrs. Erica Glenn  
Page 3

The timing for the cleanup of your property depends on a number of factors. EPA will notify you once it has developed a schedule for future work. Soils above cleanup levels will be excavated up to a maximum depth of 24 inches. Before beginning any cleanup work, representatives of EPA will meet with you to go over the details of the specific cleanup plan for your property; document the conditions of the yard, house, and foundation using videos and/or photographs; discuss any of your concerns; and take an inventory of features such as landscaping, plants, bushes, decks, and patios.

The actual cleanup will involve the following steps:

1. Pre-cleanup interview with property owner/documentation of existing conditions (as mentioned above)
2. Excavate contaminated soils
3. Backfill with clean soil
4. Restore landscaping and grass
5. Post-construction interview with property owner

For the cleanup to be as effective as possible, please wait to do major construction or landscaping activities in the areas with elevated levels until after the cleanup is complete at your property. Activities such as bringing in fill, building a new patio or walkway, or other changes that disturb the soil may keep us from removing and safely disposing of all the contamination because it may be in a different place than when we sampled. If it is necessary for you to make changes like these, please contact me before starting those activities.

The attached sheets explain the effects of lead and arsenic and how to avoid exposure. Children are more sensitive to health effects from lead and arsenic than adults. To ensure the health and safety of children, the Agency for Toxic Substances and Disease Registry, or ATSDR, advises parents to prevent children from playing in dirt, to wash their children's toys regularly and to wash their children's hands after they play outside. All residents should remove shoes before walking into their homes. ATSDR also recommends that residents in the West Calumet Housing Complex not dig or garden in their yards.

Please be aware that if you live in housing built before 1978, you may be exposed to other sources of lead including paint and plumbing. Children aged six years and younger are particularly at risk. Blood lead testing is the only way to tell if a person has been exposed to high amounts of lead. The East Chicago Health Department offers **FREE** testing for children. To schedule a test, call the East Chicago Health Department at 219-391-8467. The health department is located at 100 W Chicago Ave East Chicago, Indiana.



Mrs. Erica Glenn

Page 4

Thank you for your patience and cooperation. If you have any questions or would like to discuss your soil sampling results, please contact me at [Berkoff.Michael@EPA.gov](mailto:Berkoff.Michael@EPA.gov) or 800-621-8431, extension 3-8983, weekdays. If I am unavailable, my colleague Janet Pope, Community Involvement Coordinator, may be able to help you; she can be reached at [Pope.Janet@EPA.gov](mailto:Pope.Janet@EPA.gov) or 800-621-8431, extension 3-0628.

Sincerely,

A handwritten signature in black ink that reads "Michael Berkoff". The signature is written in a cursive, flowing style.

Michael Berkoff  
EPA Remedial Project Manager



## SOIL SAMPLING RESULTS

### 455 E 148th St.

Depth	QA – Lead (mg/kg)	QA – Arsenic (mg/kg)	QB – Lead (mg/kg)	QB – Arsenic (mg/kg)
0-6 inches	75	8	48	ND
6-12 inches	73	11	48	ND
12-18 inches	58	ND	91	ND
18-24 inches	44	ND	80	ND
24-30 inches	56	ND	449	24

Depth	QC – Lead (mg/kg)	QC – Arsenic (mg/kg)	QD – Lead (mg/kg)	QD – Arsenic (mg/kg)
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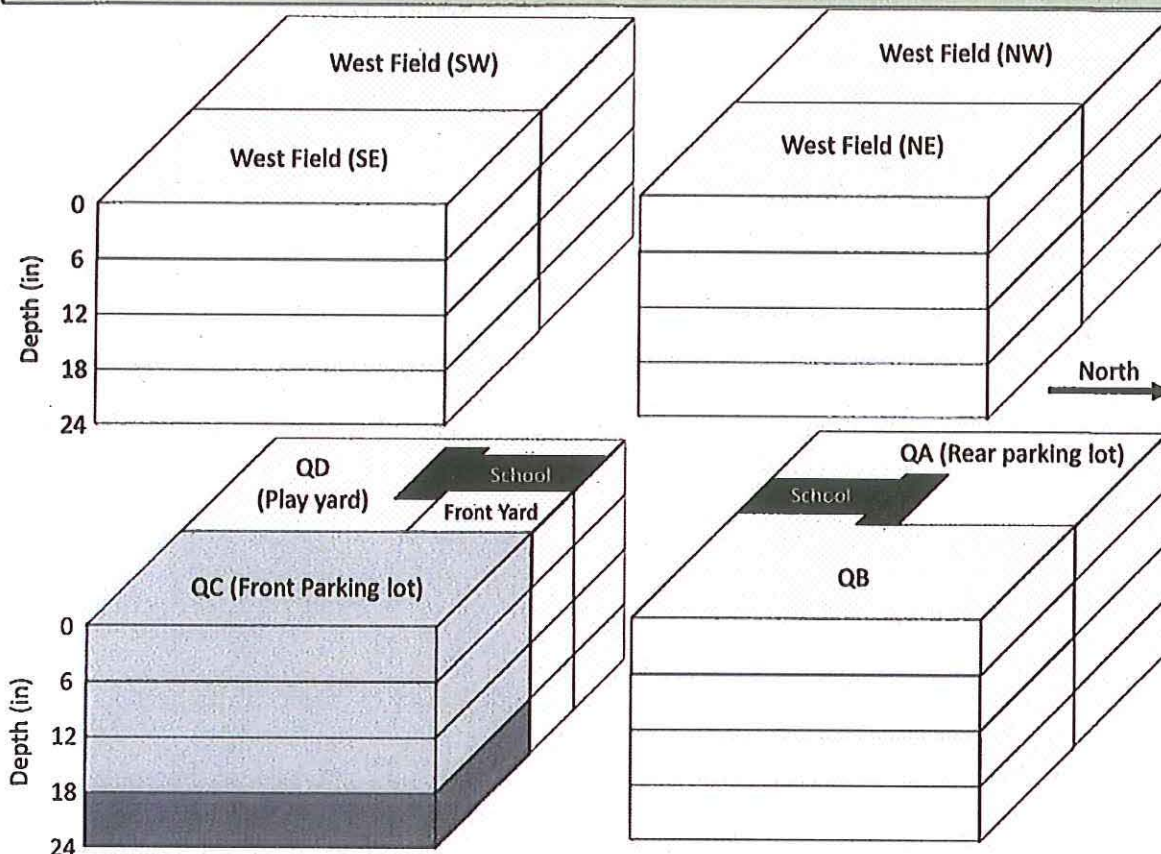
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Depth	West Field SE – Lead (mg/kg)	West Field SE – Arsenic (mg/kg)	West Field SW – Lead (mg/kg)	West Field SW – Arsenic (mg/kg)
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12-18 inches	80	11	131	9
18-24 inches	68	7	46	8
24-30 inches	Native Sand (NS)	Native Sand (NS)	Native Sand (NS)	Native Sand (NS)



**Soils will be removed from your property because sampling results showed lead concentrations above 400 mg/kg or arsenic concentrations above 26 mg/kg.**



	<b>Contaminated Soil Will Be Removed at This Depth</b> <ul style="list-style-type: none"> <li>Soil at this depth contains levels of lead and/or arsenic that are above EPA's removal standards</li> </ul>
	<b>Soil at This Depth Will Be Removed to Remove Contaminated Soil Below</b> <ul style="list-style-type: none"> <li>Lead and/or arsenic contamination is not present above EPA's removal standards in this soil layer, but this soil will be excavated to remove underlying soils with lead and/or arsenic above EPA's removal standards.</li> </ul>
	<b>Soil Will Not Be Removed at this Depth</b> <ul style="list-style-type: none"> <li>Lead contamination levels are below EPA's removal standards.</li> </ul>

If you have any questions, please contact:

**Michael Berkoff**  
U.S. EPA Remedial Project Manager  
312-353-8983

**Janet Pope**  
U.S. EPA Community Involvement Coordinator  
312-353-0628



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

JUL 27 2016

REPLY TO THE ATTENTION OF  
S-6J

The Honorable Anthony Copeland  
4527 Indianapolis Boulevard  
East Chicago, Indiana 46312

Dear Mayor Copeland:

I am responding to your email of July 22, 2016 in which you asked the U.S. Environmental Protection Agency to provide the City of East Chicago, Indiana and the East Chicago Housing Authority with a description of what we view to be best practices associated with mowing the lawns within the West Calumet Housing Complex. In the past, EPA has observed that lawn mowing within the complex has created dust clouds. Like you, we want to reduce the exposure of residents to dirt and dust.

The EPA does not believe that current conditions necessitate a moratorium on mowing. The Agency makes the following recommendations to contractors who mow the lawn within the complex in order to minimize dust generation during mowing:

- (1) Do not mow over bare areas
- (2) Do not mow over mulched areas
- (3) Mow less frequently; instead of weekly, bi-weekly
- (4) Raise the mower blade 2"-3" so that the grass is not cut short
- (5) Reduce the blade speed if possible
- (6) Do not collect clippings; leave clippings in place
- (7) Do not use a leaf blower to remove dust or grass from walkways; instead, use a broom

We are also making these same recommendations to the East Chicago Park Department and East Chicago School District with respect to Goodman Park and the Carrie Gosch Elementary School.

If you have any questions about these procedures or would like to discuss this matter further, please do not hesitate to contact Associate Regional Counsel, Steven P. Kaiser. Mr. Kaiser may be reached at (312) 353-3804 and will be glad to schedule a call with the relevant staff members.

Sincerely,

A handwritten signature in black ink, appearing to read "Douglas Ballotti", is written over the "Sincerely," line.

Douglas Ballotti, Acting Director  
Superfund Division

cc: East Chicago Park Department  
East Chicago School District

Anthony Serna, President  
East Chicago Park Board  
1615 E. 142<sup>nd</sup> Street  
East Chicago, Indiana 46312

Dr. Paige McNulty, Superintendent  
East Chicago School District  
1401 East 144<sup>th</sup> Street  
East Chicago, Indiana 46312





AX-16-001-0219

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGIONAL ADMINISTRATOR  
REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

AUG 01 2016

The Honorable Anthony Copeland  
4527 Indianapolis Boulevard  
East Chicago, Indiana 46312

Dear Mayor Copeland:

Thank you for your July 14, 2016 letter to Administrator McCarthy regarding the West Calumet Housing Complex located in the USS Lead Superfund site in East Chicago, Indiana.

The U.S. Environmental Protection Agency's core mission is to protect human health and the environment. Our response actions at the West Calumet Housing Complex proceed with that objective in mind. We are addressing the most urgent concerns first and will be devoting considerable resources to address all aspects of site cleanup. Since your earlier June 16, 2016 letter, we have expedited interim response action work at the housing complex to reduce residents' exposure to lead-contaminated soils, and have taken the following immediate actions including:

- Immediate notice to the Agency for Toxic Substances and Disease Registry (ATSDR), and coordination with ATSDR and the City of East Chicago Health Department and other city representatives;
- Educated residents about steps they can take to reduce exposure to lead, including door-to-door outreach, flyer distribution on lead dangers and EPA's site operations, and installation of informational signs in the neighborhood (ongoing);
- Implemented response measures to cover areas of exposed soil at the housing complex and nearby playground (completed July 22 with ongoing maintenance);
- Notified residents within the West Calumet Housing Complex of EPA's soil sampling results, with copies provided to the city and East Chicago Housing Authority (ECHA) (July 8, 11 and 12);
- Coordinated with the ECHA on revisions to their mowing and other maintenance practices to reduce the creation of dust (July 15 and ongoing);
- Launched a website on the West Calumet Housing Complex to provide up-to-date information about progress of the response action work at the site (July 19 and ongoing);
- Planned indoor dust and lead paint sampling at residences and Carrie Gosch Elementary School in coordination with ATSDR and the Indiana Department of Health (beginning August 1);
- Planned soil sampling in residential yards in Zone 2;

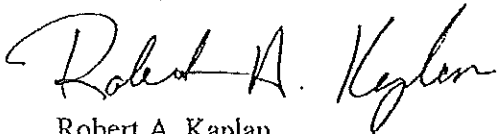
- Planned installation of outdoor air monitors;
- Enhanced communications with the city and ECHA by providing daily activity reports and conducting twice weekly teleconferences with the City, ECHA and federal government attorneys.

In addition, EPA is having discussions with the U.S. Department of Housing and Urban Development (HUD) regarding the potential relocation of residents. We support the relocation of residents of WCHC, and are working on options on an urgent basis.

I understand your concern about when EPA shared the data collected during the remedial design sampling process. I am committed to more effectively sharing information with you moving forward to constructively and collaboratively address environmental and public health issues and concerns at the site.

Again, thank you for your letter. If you have further questions, please contact me or your staff may contact Eileen Deamer or Ronna Beckmann, the Region 5 Congressional Liaisons, at (312) 886-3000.

Sincerely,

A handwritten signature in cursive script, reading "Robert A. Kaplan". The signature is written in dark ink and is positioned above the printed name and title.

Robert A. Kaplan  
Acting Regional Administrator

*Anthony Copeland*  
MAYOR



*City of East Chicago*  
4527 INDIANAPOLIS BLVD.  
EAST CHICAGO, INDIANA 46312  
219-391-8200 • 219-391-8397 FAX

July 14, 2016

Gina McCarthy  
EPA Administrator  
Environmental Protection Agency  
USEPA William Jefferson Clinton Building North (WJC North)  
1200 Pennsylvania Avenue N.W., 1101A  
Washington, DC 20004

RE: Status of USS Lead Superfund / West Calumet Housing Complex

Dear Administrator McCarthy:

I have been informed that EPA Region 5 and the Department of Justice personnel assigned to the USS Lead OU1 clean up are regularly communicating with your office on the issue of the USS Lead Superfund site, and Zone 1, including the West Calumet Housing Complex, which are located in our city, an environmental justice community. I feel it is important to provide you with a timeline of events from the City's perspective. It is crucial for you as a leader to understand the City's concern over the public health crisis which exists in the West Calumet Housing Complex, and our alarm that Region 5 is on course to take actions in the very near term which will only exacerbate this public health crisis. While it appears that Region 5 wants to show that they are doing something to address the obvious danger to public health posed by the extraordinarily high levels of lead and arsenic in the soils in Zone 1, their actions to date amount to nothing more than band aid solutions. Instead of escalating their response following time critical removal actions in 2008 and 2011 or after receiving more evidence of extraordinarily high concentrations of lead in the soil in 2014; Region 5 failed to expedite the rate of soil testing, and failed to initiate blood lead testing of residents. Region 5 remained committed to a testing model consistent with aerial deposition of lead, even as their own historical knowledge of the site and soil testing data demonstrated that a much more appropriate and protective approach was necessary to protect residents' health.

Was a risk assessment performed after the high lead levels in soil were known? If such a risk assessment has been performed, Region 5 has not shared it with the City. Instead, Region 5 has continued to be committed to the cookie-cutter Remedial Action plan which was selected before the EPA had test results which show unprecedented high levels of lead in the soil in this residential neighborhood. Region 5 failed to acknowledge or adequately respond to the immediate danger to residents and thus failed in its duty to protect human health.

When the City of East Chicago objected to the inadequacy of Region 5's preferred clean up and remedy, Region 5 responded by withholding data from the City. This contributed to a breach of trust between the City and Region 5 which continues to this date. I wrote the Acting Regional Administrator for Region 5 on June 16 expressing my dire concerns, and outlining the necessity of relocation of residents, yet Region 5's response continues to be tone deaf. While the City awaits a decision from Region 5 on relocation, Region 5 pressures the City, implements inadequate interim measures and asks the City to sign access agreements after the fact. Thus, Region 5 continues to breach the City's trust and its duty to the residents of West Calumet. Other examples of breaches of trust by Region 5 include:

- Upon becoming aware in 2011, of the environmental problems in the West Calumet Neighborhood, Operating Unit 1 ("OU1"), the City Administration began a series of meetings with the EPA Region 5 Office, during which we learned that the EPA and the DOJ were negotiating the terms of a Consent Decree with the PRPs. The City expressed its concerns in both public meetings and private conferences with Region 5 personnel and leadership regarding the inadequacy of the EPA's preferred Clean Up Plan (Alternative 4A) as being insufficient to protect human health and leaving the City with legacy costs that it could not bear. The City's concerns were entirely discounted and ignored.
- When the City expressed its concern over deficiencies in the Remedial Action Plan, Region 5 informed the City that a remediation plan was already decided.
- Region 5 personnel received soil sampling data in December 2014, showing that lead contamination within the West Calumet Housing Complex is extremely more pervasive, severe, and extensive than identified by the EPA's prior inadequate sampling, yet failed to share such data with the City until May 24, 2016.
- Region 5 personnel provided environmental data to the Northern Indiana Public Service Company (NIPSCO) so that NIPSCO could protect its workers performing utility maintenance work in the affected area, yet withheld the same data from the City, despite their knowledge of the presence of City operated utilities in the affected area.
- Region 5 personnel failed to provide ATSDR with adequate environmental and health data in 2010 and 2011, such that the ATSDR's January 27, 2011 Public Health Assessment cites a lack of environmental data; the assessment erroneously assumes that all contamination in residential areas was from airborne deposition of lead; it fails to mention the existence of the Anaconda Lead factory at all; it fails to factor in the pertinent information that the West Calumet Housing Complex was built directly on the footprint of the Anaconda facility; it failed to include the East Chicago Health Department in any discussion or knowledge sharing; and failed to consider data from blood-lead testing which the East Chicago Health Department collected between 1991 to 2011. As a result, the ATSDR Assessment was based on the small subset of available data which was most favorable to the EPA's preferred recommended alternative Clean-up Plan, 4A, and it does not accurately reflect known site conditions.
- Citing "privacy concerns", the EPA withheld soil testing data from the City, including soil testing data for parcels which the City and the East Chicago Housing Authority own in Zones 1, 2 and 3, from 2011 through May 24, 2016, when the City received data for Zone 1 only.

- On March 31, 2016, the City was informed that the EPA's Remedial Action plan would only address contamination in green areas, which comprise only 40% of the land mass, leaving contaminated soil under the remaining 60% of the land mass, including all areas covered by concrete or other impervious material. Then, on May 24, 2015, EPA delivered its December 2014 to May 2015 Remedial Design data showing the widespread contamination across the entire West Calumet Housing Complex, and including the contamination under the 60% of the site not subject to the existing remedy. At the same time, EPA told the City that it would be held liable if any contaminated soils left in place by the inadequate clean up were disturbed by routine utility maintenance the City must perform in the neighborhood. The City was informed that the EPA intends to put an Order in place which would require the City to spend many millions of dollars – money our financially challenged community does not have – to perform utility maintenance work within the OUI area going forward.
- When the City expressed its concern over deficiencies in the Remedial Action Plan, the City was threatened by Region 5 personnel that it would be treated as a "responsible party" and told that the City would be held liable if we did not cooperate with the EPA's Remedial Action Plan.
- The City was told, by Region 5 personnel on May 24, 2016 that the "grass provided a good protective cover", a proposition directly contradicted by Region 5's September 12, 2011 Action memorandum where it states that with demonstrated soil lead levels at 5,993 ppm, "Adults and children may be exposed to high levels of lead from normal foot traffic, yard work, and play."
- For many years Region 5 has persisted in the proposition that the grass in the West Calumet Complex provided a sufficiently protective barrier until the City shared photos during its June 14, 2016 meeting with the EPA, DOJ and ATSDR, which showed significant gaps in the grass cover, and children playing on the ground. Only after the City challenged EPA's proposition and I sent my June 16, 2016 letter to Region V did EPA begin to recognize that its flawed analysis has allowed our residents to be exposed to the potent and unsafe levels of lead and arsenic for many years.
- The City has been informed that simple mowing of lawns could cause residents to be exposed to lead contaminated dust, yet the EPA persists in its assertion that it is safe to leave residents in place during its proposed cleanup, which will disturb and move tons of soil throughout the community.
- Despite the EPA's knowledge for more than a decade of the unprecedented high levels of lead contamination in the soils, the EPA neither performed nor requested testing of residents' blood-levels. Instead, when the City became aware of the extremely high levels of lead in soil on May 24, 2016 it immediately commenced testing. Preliminary results reveal that 100's of children suffer from excessive levels of lead in their blood.

Further, you should know that although the City Health Department continues to perform blood-lead tests on children in West Calumet, there is already ample evidence of blood lead poisoning in children in this neighborhood. Existing evidence shows that children in the area test upwards of 33 ml/dl blood lead. We have hard evidence of lead poisoning among residents of the West Calumet Housing Complex. Real health impacts are already occurring. This is a public health disaster. How high do our children's blood levels have to be before the EPA takes action to stop their exposure?

It is irresponsible for Region 5 to even consider doing emergency removals of tons of soil in light of the facts of our situation and the known soil and blood-lead levels we know exist in our community. We remind you that at 91,000 ppm, dust may contain 9-10% lead. This lead was processed in order to be used as an additive to paint and for other industrial applications, and is inhalable and ingestible particulate. Almost 70% of the West Calumet Housing Complex residents are young children and pregnant women, many of whom live on top of or within a few feet of the worst contamination measured (and even higher levels may exist that have not yet been detected)..

On June 16, 2016, I sent a letter to Acting Region 5 Administrator Bob Kaplan expressing my deep concerns about the inadequacies of the EPA's proposed Remedial Action Plan, and requesting relocation of residents. I reiterated my request for the immediate relocation of residents, and pointed out that new exposures occur every day that residents are allowed to remain in this toxic environment.

By this letter, I am requesting:

- That the EPA and HUD work together to fund the immediate temporary relocation of all residents of the West Calumet Housing Complex.
- That relocation of residents of the West Calumet Housing Complex occur before any Remedial Actions take place, including the emergency removal actions that the EPA intends to implement in coming weeks.
- That EPA and HUD identify or create immediately available sources of funds in order to accommodate displaced West Calumet residents and ensure the return of the residents to safe housing within twelve to twenty-four months.
- That the EPA and HUD work together to provide for demolition of the existing structures which facilitates a more expeditious redevelopment of the property.
- That EPA revise its grossly deficient Remedial Action Plan for OU1 and develop a more comprehensive and sensible remedial approach that will protect our residents and community.
- Soil-test results for Zones 2 and 3.

I find it compelling that the American people, in their compassion can send Flint bottled water, but it's unfortunate that they can't send the residents of West Calumet potted soil to protect them from the extremely high, unprecedented levels of lead contamination around their homes which the EPA has known about for a decade and longer, yet to date failed to honor its duty to protect them.

Our fear is that exposures to unacceptable levels of lead continue to occur as long as the EPA refuses to relocate residents from this toxic environment. One of my biggest fears is that the EPA's Remedial Action Plan, including the emergency removal of highly contaminated soils from dozens of yards will drastically increase residents' exposures to toxic levels of lead, and the damage to innocent children will be a fait accompli before additional "wipe tests" are performed or air samples are analyzed. How do you propose to move tons of highly contaminated soil without causing additional exposures, when you have told the City that even mowing grass causes unacceptable exposures? Additional permanent damage will be done to the approximately 670 children and pregnant women residing in the West Calumet Housing Complex by the EPA's woefully deficient emergency removal actions and Remedial Action Plan. Air sampling and dust wipes performed after toxic lead dust has become airborne will only provide further evidence of the EPA's continued failure to protect human health.

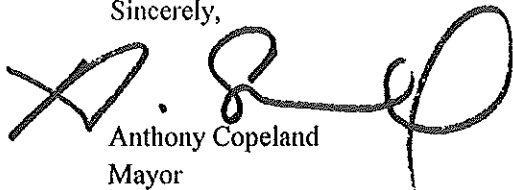
Any action by the EPA short of immediate relocation of all West Calumet residents is completely irresponsible. To leave residents in harm's way after the EPA had knowledge of the highly poisoned environment, and knowledge that children en masse are already suffering from lead poisoning violates the very principles upon which the Environmental Protection Agency was established. Damage has already been done by Region 5's inaction.

Logic and recent events suggest that Region 5 has intentionally misrepresented or withheld critical data that would otherwise reveal the severity and extent of the health risk to the 1,000 citizens of the West Calumet Housing Complex, approximately 670 of whom are children. Region 5's motivation appears to be its stubborn defense of an ill advised and inadequate remedial action plan, the downplay or understatement of the known, predictable public health risks, and the suppression of informed local resistance to that plan.

I am requesting a face to face meeting as soon as practicable to discuss the immediate temporary relocation of all residents of West Calumet Housing Complex prior to the implementation of any remedial action, including emergency removal actions, and the restoration of these residents to safe permanent housing within the community. In the alternative, and to the extent that the federal government is unwilling to act, the City is exploring its ability to act under its zoning power, and other statutory authority.

I propose that we meet stat. Please confirm, or propose a meeting date.

Sincerely,

A handwritten signature in black ink, appearing to read 'A. Copeland', with a large, stylized flourish at the end.

Anthony Copeland  
Mayor

cc: Loretta E. Lynch, Attorney General  
Robert Kaplan, EPA Region 5 Acting Administrator  
John Hall, Field Office Director  
Patricia Tyus, Field Office Administrator  
Bruce Nzerem, HUD Public Housing Indianapolis  
Congressman Peter Visclosky  
Senator Joe Donnelly  
Indiana State Senator Lonnie Randolph  
Indiana State Representative Donna Harris  
Barack Obama, President of the United States







UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

AUG 18 2016

REPLY TO THE ATTENTION OF:

The Honorable Anthony Copeland  
4527 Indianapolis Boulevard  
East Chicago, Indiana 46312

Re: Future Land Use – West Calumet Housing Complex Area, U.S. Smelter and Lead  
Superfund Site, East Chicago, Indiana

Dear Mayor Copeland:

The East Chicago Housing Authority (ECHA) recently submitted a Demolition and Disposition Application to the U.S. Department of Housing and Urban Development (HUD) that calls for the demolition of all structures within the West Calumet Housing Complex (WCHC). The WCHC is located within "Zone 1" of the residential area (Operable Unit 1) of the U.S. Smelter and Lead Superfund site in East Chicago, Indiana.

In 2012, the U.S. Environmental Protection Agency selected a cleanup remedy for Operable Unit 1 and published that remedy in its Record of Decision. The remedy calls for the excavation of lead and arsenic contaminated soil to a maximum depth of two feet and off-site disposal of the contaminated soil. Under this plan, contaminated soil currently located under streets, sidewalks, parking areas and other permanent barriers to exposure would remain in place. In selecting this remedy, EPA had understood that the area currently occupied by the WCHC would continue to serve primarily a residential purpose and that these structures would remain in place.

Now that the WCHC may be demolished, EPA plans to review the remedy for Zone 1 to determine if it is still appropriate. In order for EPA to conduct a meaningful review of the current remedy, it is essential that EPA knows what the City, in consultation with HUD and the ECHA, intends for the WCHC property. By this letter, I am requesting that the City confer with HUD and ECHA, and then provide EPA in writing as soon as possible a description of what it anticipates to be the future land use for the WCHC property.

Pending its review of the remedy for Zone 1, EPA will continue to work with the City to protect human health and the environment. If you have any questions or would like to discuss this matter, please do not hesitate to contact me. I may be reached at (312) 886-4752.

Sincerely,

A handwritten signature in black ink, appearing to read "Douglas Ballotti", is written over a horizontal line.

Douglas Ballotti, Acting Director  
Superfund Division

CC: Senator Joe Donnelly  
Congressman Peter Visclosky  
Indiana State Senator Lonnie Randolph  
Indiana State Representative Donna Harris  
Antonio R. Riley, HUD Regional Administrator  
James A. Cunningham, HUD Deputy Regional Administrator  
Bruce Nzerem, HUD Public Housing Indianapolis  
Tia Cauley, Director, East Chicago Housing Authority

12/15

mtvB

*Anthony Capeland*  
MAYOR



*City of East Chicago*  
4527 INDIANAPOLIS BLVD.  
EAST CHICAGO, INDIANA 46312  
219-391-8200 • 219-391-8397 FAX

December 1, 2016

Hon. Michael Pence  
Governor  
Office of the Governor  
Indiana Statehouse  
Indianapolis, Indiana 46204-279

RECEIVED  
2016 DEC 15 AM 11:23  
OFFICE OF THE  
EXECUTIVE SECRETARIAT

RE: Disaster Declaration for West Calumet Neighborhood and USS Lead Superfund Zone

Dear Governor Pence:

As you are aware, a disastrous situation exists in the City of East Chicago. My community has been suffering in the midst of an environmental disaster for quite some time. The residents of my city, my staff, other local officials and I have been laboring under conditions which are not of our making, but which cry out for help.

We understand the devastating effects of lead and arsenic poisoning on humans, and especially on children. It is unacceptable that even one child suffer from lead poisoning, or that well over a thousand children's futures be jeopardized by lead or arsenic poisoning, which is known to lower IQ, severely impact educational outcomes, cause behavior problems, drastically increase cancer risk, and thus ruin young lives. I am sure that as Governor, you do not find it acceptable that Hoosier children be exposed to toxins, or suffer the lifelong burdens which are known to result from such exposure. I am sure that you do not find it acceptable that these children's families suffer the long term economic devastation of blight cause by environmental problems which these hard working Hoosier families did not cause. By this letter, I am imploring you to take action.

Environmental problems in the Calumet Neighborhood of East Chicago began to be studied in 1985. In 2008, the Calumet Neighborhood was added to the National Priorities List and declared part of the USS Lead Superfund Site due to the presence of lead and arsenic which are the result of a century of industrial activity. In 2012, a Record of Decision was entered for this Superfund



site, and in 2014 a Consent Decree was entered in federal court. The State of Indiana was a party to this Consent Decree, but the City of East Chicago was not. On May 24, 2016 I first became aware of the unprecedented high levels of lead in the soil in this residential neighborhood. Upon learning that none of the governmental agencies who were party to the Consent Decree or part of the environmental response conducted blood lead to detect or prevent exposures or public health, I immediately ordered blood lead testing.

The City of East Chicago Health Department began an active blood lead testing program in June 2016, including door to door community outreach. The City ordered additional blood lead test kits from the Indiana State Department of Health in June, and began to receive historic blood lead test results from the State in July, 2016. The Indiana State Department of Health began to provide assistance and resources, including staff, in July 2016. The City Health Department, with help from the ISDH continues to offer free blood lead testing, and follow up case management services, and strongly encourages all affected residents, especially children, to be tested. Additionally, despite being in compliance with all Indiana Department of Environmental Management and EPA requirements, the City of East Chicago Utilities Operations Department began to conduct additional water quality testing in West Calumet. Our Utilities Operations Department has expanded this program to the rest of the of the USS Lead Superfund, including Zones 2 and 3, and is working with the EPA on a pilot program to proactively test water quality at homes before, during and after remediation. The goal of this pilot program is to ensure that environmental remediation activities do not adversely affect the quality of resident's drinking water, or cause additional, avoidable exposures.

The EPA has accelerated the pace of its response for the entire USS Lead Superfund area. Regarding Zone 1, HUD funded vouchers to provide for relocation of residents in the West Calumet Neighborhood on August 3, 2016, and Indiana Housing & Community Development Authority provided \$100,000 to pay moving costs for the most vulnerable residents. The East Chicago Housing Authority Capital Fund, which receives \$1.6 million annually, was depleted of \$1.1 million to pay the remaining moving expenses. The Carrie Gosch Elementary School was closed to students for the school year. As a result of the closure of this school, the School City of East Chicago faces a financial crisis, including possible default on the existing school building bond. The existing remediation plan for Zone 1 only contemplated cleaning up 40% of the area, to a depth of up to two feet, leaving at least 60% of the contaminants in the ground in this residential area. Under this inadequate environmental remediation plan, the environmental contamination which would remain afterward is projected to cost the City's Utilities Operations Department over \$12 million in environmental compliance costs, over and above normal operating costs, to provide utilities in the contaminated areas. Before the extremely high lead levels were known to the City, our Utilities Operations responded to approximately one dozen water line and or sewer failures in Zone 1 per year. In the last two weeks alone, we are aware of at least four water line failures within the Superfund site. The expense of maintaining utilities in

the presence of high levels of environmental contamination constitutes a utility failure and a devastating drain on the City's resources.

Regarding Zones 2 and 3, the EPA has begun emergency clean ups in Zone 3 for residences which tested above the 1200 ppm emergency action level. In Zone 2, for which no Consent Decree and associated funding is in place, the EPA accelerated the rate of soil sampling. Preliminary testing has revealed soil lead levels in Zone 2 up to 70,000 parts per million at a residence. This is 175 times the EPA action level, and 58 times the EPA emergency action level. I remind you that levels in Zone 1, soil lead levels were found to be up to 91,100 ppm, with every residence exceeding the EPA's action level, and fifty residences exceeding the EPA's emergency action level at the surface.

On August 20, 2016, our City Health Officer wrote to the State of Indiana requesting additional resources for Mental Health and Counseling services for residents effected by this environmental disaster, which we hoped would include training for staff on how to recognize residents suffering a mental health crisis as a result of the stress caused by this disaster. This request was subsequently denied. We were informed that without a disaster declaration, such assistance would not be forthcoming. My concern is that as a result of governmental red tape, these Indiana residents will continue to be deprived of available services.

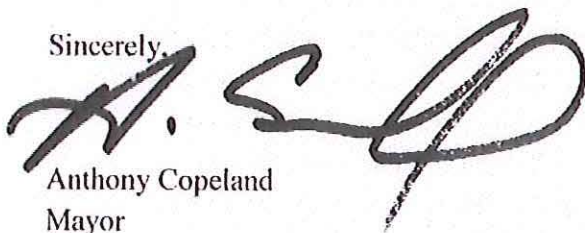
Additionally, in early August the City and East Chicago Housing Authority was encouraged to pursue Hardest Hit Hardest Hit Blight Elimination Program Funds through the Indiana Housing & Community Development Authority for the resources necessary to demolish the West Calumet Housing Complex. The City, and East Chicago Housing Authority submitted the necessary letters of interest, and began working on the application for the demolition of this 346 unit complex, which includes two fifty six unit residential structures. We were encouraged to apply with the knowledge that the relocation of residents is an ongoing process which will not be complete before the application deadline. The City was informed yesterday that the necessary waivers and funding to make West Calumet eligible for Hardest Hit funding from IHCD would not be forthcoming. Thus the City is again left to its own devices to meet residents' needs and resolve this disaster.

The West Calumet Housing Complex is part of the larger Calumet neighborhood, which are each important parts of our community. The Calumet neighborhood long suffered from redlining, which resulted in a Consent Decree for violations of the Fair Housing Act and Equal Credit Opportunity Act, and as a result, this neighborhood suffers from widespread blight. The uncertainty that the Calumet neighborhood has faced since being declared part of the USS Lead Superfund in 2008 has caused additional decline. The twin horrors of an environmental disaster and redlining may be compounded by the abandonment of the West Calumet Housing Complex if decisive action is not taken now. Homeowners who have persevered in the Calumet neighborhood will be faced with the additional burden of being within feet of an abandoned 346 unit government housing complex. The abandonment of the West Calumet Housing Complex

and the denial of funds for demolition will further drive down property values, drive away investment. As a result, the very blight which the Hardest Hit Blight Elimination Program was created to eliminate will spread like wildfire.

Indiana Code 10-14-3-1 defines a disaster as being an occurrence or imminent threat of widespread or severe damage, injury, loss of life or property damage from a utility failure, public health emergency, blight, or other public calamity. Above, I have outlined the utility failure, public health emergency, blight, and public calamity faced by my community. The local government response, which has included the City of East Chicago, the School City of East Chicago, and the East Chicago Housing Authority, has strained our local resources to the point of breaking. For the above listed reasons, I am asking that as Governor, you declare that a disaster emergency exists in the the USS Lead Superfund Zone, including the West Calumet Housing Complex. I ask that you exercise your powers under Indiana Code 10-14-3-12, in order to make additional state resources available to the City of East Chicago and the residents of West Calumet which are necessary to cope with the disaster, including securing housing for the residents of West Calumet. By this letter I ask you to pardon formal requirements, and make all needed State of Indiana resources available to adequately respond to this crisis which is impacting Hoosier families.

Sincerely,

A handwritten signature in dark ink, appearing to read 'A. Copeland', with a large, stylized flourish extending from the end of the signature.

Anthony Copeland  
Mayor

cc: Hon. Congressmen Peter Visclosky, Hon. Congressman Todd Young, Hon. Senator Joe Donnelly, Hon. Senator Dan Coates, Hon. Indiana School Superintendent Glenda Ritz; Hon. HUD Secretary Julian Castro, Hon. USEPA Administrator Gina McCarthy, Hon. US Attorney General Loretta Lynch; Hon. State Senator Lonnie Randolph, Hon. Rep Donna Harris, Hon. Councilwoman Myrna Maldonado, School Superintendent Dr. Paige McNulty, ECHA Director Tia Cauley, ECDH Officer Dr. Gerri. C. Browning,



Office of the Mayor  
4527 Indianapolis Blvd.  
East Chicago, In 46312



*City of East Chicago*

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EPA Administrator  
USEPA William Jefferson Clinton Bldg. North  
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